United States District Court,
D. Minnesota.

VISTAPRINT TECHNOLOGIES LIMITED,
Plaintiff.
v.
123PRINT, INC.; Drawing Board (US), Inc., doing business as Stationery House, Inc.; Taylor Strategic Accounts, Inc,
Defendants.

Civil No. 07-2298 (JNE/JJK)

July 24, 2008.

Gregory A. Madera, Esq., Katherine A. Moerke, Esq., Lawrence K. Kolodney, Esq., and Robert E. Hillman, Esq., Fish & Richardson PC, for Plaintiff.

Martin R. Lueck, Esq., Munir R. Meghjee, Esq., and Tara Falsani Harkins, Esq., Robins Kaplan Miller & Ciresi LLP, for Defendants.

ORDER REGARDING PLAINTIFF'S OBJECTION TO DEFENDANTS' AMENDED CLAIM CONSTRUCTIONS, AND THE SUSPENSION OF DISCOVERY AND DEADLINES

JEFFREY J. KEYES**, United States Magistrate Judge.**

This matter is before the Court on Plaintiff VistaPrint Technologies Limited's ("VistaPrint") Objection Regarding the Propriety of Defendants' Amended Claim Constructions Pursuant to the Court's June 12, 2008 Order (Doc. No. 101). VistaPrint objects to Defendants' June 24, 2008 amended constructions of the claim terms "authoring program," "authoring tool," and "document" as being beyond the scope permitted by the Court's June 12, 2008 Order.

Based upon the parties' submissions and arguments, together with all pleadings, records, and files herein, and the Court being fully advised in the premises, and because this Court, in its Report and Recommendation, recommends that VistaPrint's Motion to Stay should be granted, the Court denies as moot VistaPrint's objections, without prejudice to its refiling upon either the rejection of this Court's Report and Recommendation or the completion of the reexamination proceedings.

In addition, because the Court recommends that VistaPrint's Motion to Stay should be granted, the Court suspends all discovery and deadlines currently set in the September 26, 2007 Pretrial Scheduling Order (Doc. No. 41) and amended by the Court's June 12, 2008 Order (Doc. No. 93), while the Report and Recommendation on Plaintiff's Motion to Stay is pending.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Objection Regarding the Propriety of Defendants' Amended Claim Constructions Pursuant to the Court's June 12, 2008 Order (Doc. No. 101) is **DENIED AS MOOT, WITHOUT PREJUDICE.**

2. The Court **SUSPENDS** all discovery and deadlines currently set in the September 26, 2007 Pretrial Scheduling Order (Doc. No. 41) and amended by the Court's June 12, 2008 Order (Doc. No. 93), while this Report and Recommendation is pending. If this Court's Report and Recommendation is rejected and the stay is not granted, parties are to contact Jackie Phipps, Magistrate Judge Keyes' Judicial Assistant, at 651-664-5470, to schedule a conference whereby Magistrate Judge Keyes will thereafter issue an amended pretrial scheduling order.

D.Minn.,2008.
VistaPrint Technologies Ltd. v. 123Print, Inc.

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